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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,802	07/06/2000	Jonathan L. Zittrain	108087-119	4873

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Michael A Diener  
Hale and Dorr LLP  
60 State Street  
Boston, MA 02109

EXAMINER
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HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/14/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/610,802

Applicant(s)

ZITTRAIN ET AL.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Claims 1-16 are presented for examination.
2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood.

i. As per claim 1, lines 6-14, it is uncertain the relation among "sending participants", "the participants" and "the receiving participants" [i.e., are they the same participants or not]. Correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziv-El (US 6,302,698) in view of Ceretta et al. (6,370,355).

5. As per claim 1, Ziv-El teaches the invention substantially as claimed including a method for organizing a dialogue of messages between a moderator and a number of participants in communication over a network [col. 1, lines 5-7] comprising:

obtaining information about the participants [col. 18, lines 8-17];

providing to the participants a question [Fig. 8; col. 4, lines 10-15; col. 18, lines 49-65];

receiving from each of one or more sending participants a first-round message in response to the question [col. 18, line 66 – col. 19, line 29];

grouping at least some of the participants-into groups [col. 10, lines 1-8; col. 27, lines 3-12];

for one or more of the sending participants, automatically sending the received first-round message to one or more receiving participants with whom the sending participant is grouped [col. 25, lines 37-45].

6. Ziv-El does not specifically teach the step of receiving from each of one or more of the receiving participants a follow-up message in response to the first-round message from the sending participant.

7. However, Ceretta on the other hand teaches the step of receiving from each of one or more of the receiving participants a follow-up message in response to the first-round message from the sending participant [col. 17, lines 31-36]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to

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include a follow-up message receiving step in Ziv-El's system because doing so would benefits the participants by provide them an opportunity to raise any issue regarding the first-round message. One of ordinary skill in the art would have been motivated to modify Ziv-El's system with the receiving follow-up message step to improve the integrity of the system.

8. As per claims 2 and 3, Ziv-El teaches the groups are based on the registration information entered by participants [col. 9, lines 1-8; col. 27, lines 3-12].

9. As per claim 4, Ziv-El and Ceretta teach the invention substantially as claimed in claim 1. However, both references do not specifically teach the step of creating the groups based upon the first-round answers. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to create the groups based upon the first-round answers because doing so would improve the system's functionality by enabling the moderator adjust the questions into a relevant difficulty level based on the knowledge level of the participants in the group. One of ordinary skill in the art would have been motivated to modify the combination system of Ziv-El and Ceretta with the step of grouping participants based on the first-round answers to improve the functionality of the system.

10. As per claims 5 and 6, Ceretta teaches repeating the following steps one or more times: sending one or more of the follow-up messages to one or more receiving

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participants with whom the sender of the follow-up message is grouped and receiving from one or more recipients of the follow-up message a follow-up message in response [col. 17, lines 31-36].

11. As per claim 7, Ziv-El teaches the step of automatically routing messages from a particular round to a specialist [187, Fig. 17] in the subject matter of the message [col. 9, lines 1-10].

12. As per claims 8-12, since they are system claims of claims 1-7, they are rejected for the same basis as claims 1-7 above.

13. As per claims 13-16, Ziv-El teaches a chat module that allows participants to send messages in real time over the network while respecting usage rules based on user roles [col. 6, lines 51-60] and a threaded messaging module that allows messages to be sent, posted, and archived [col. 11, line 54-65].

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Shimizu (US 6,002,915) discloses an interactive on-line system;

Helmick et al. (US 6,470,171) discloses an on-line education system;

Atkinson et al. (US 6,507,726) discloses a computer implemented education system; and

Boys (US 6,516,340) discloses a Internet based lecture system.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678. The fax number for Group 2100 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

October 8, 2003

  
ZARNI MAUNG  
PRIMARY EXAMINER